

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

RENE VARGAS GUERRA

DEBTOR(S)

CASE NUMBER: 10-09116 (SEK)

CHAPTER 13 ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. Amended in order to correct the step payment.

3. Debtor (s) amend plan call twenty seven(27) payments of \$300.00 and thirty three (33) payments of \$650.00 for a total base of \$29,550.00 dollars with a provision for the payment of pre petition arrears to BBVA, account ending number-7049, the payment in full with Chrysler Financial and Mueblerias Berrios.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

NOTICE

"Parties in interest are notified they have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter an order granting the motion upon the filing of a certificate of service by the movant that adequate notice was given. Should an opposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 21ST, day of December, 2010.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **José R. Carrión, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA

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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. **10-09116-13**

VARGAS-GUERRA, RENE

Chapter **13**

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED:

☐ PRE ☐ POST-CONFIRMATION

☒ AMENDED PLAN DATED: **12/24/2010**

Filed by: ☒ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ **300.00** x **27** = \$ **8,100.00**
\$ **650.00** x **33** = \$ **21,450.00**
\$ x = \$
\$ x = \$
\$ x = \$

TOTAL: \$ **29,550.00**

Additional Payments:

\$ to be paid as a LUMP SUM
within with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in
addition to the above:

\$ x = \$

PROPOSED BASE: \$ **29,550.00**

III. ATTORNEY'S FEES
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee
Disclosure Statement: \$ **2,900.00**

Signed: **/s/ RENE VARGAS-GUERRA**
Debtor

Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR \$

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. **BBVA BANCO** Cr. Cr.
9614207049 # #
\$ **615.00** \$ \$

2. ☒ Trustee pays IN FULL Secured Claims:

Cr. **CHRYSLER FINANCIAL** Cr. **MUEBLERIAS BERR** Cr.
2292 # **1307475005** #
\$ **16,695.71** \$ **7,015.32** \$

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. Cr. Cr.

\$ \$ \$

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:

5. ☐ Other:

6. ☒ Debtor otherwise maintains regular payments directly to:

BBVA BANCO

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.

11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other:

☐ Paid 100% / ☐ Other:

Cr. Cr. Cr.

\$ \$ \$

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)
See Continuation Sheet

Attorney for Debtor **Martín Valdes Ortega Law Offices**

Phone: **(787) 758-4400**

Debtor(s)

CHAPTER 13 PAYMENT PLAN
Continuation Sheet - Page 1 of 2

	Cr	#	\$
Executory Contracts - Assumed:	ORLANDO RIVERA		

Debtor(s)

CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 2 of 2

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR 11 USC 330.

FAILURE TO TIMELY OBJECT TO THIS PLAN CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT UNDER 11 USC 1325(a)(5).

TAX REFUNDS, IF ANY ARE RECEIVED BY DEBTOR, WILL BE TENDERED TO THE TRUSTEE AS A PERIODIC PAYMENT TO FUND THE PLAN UNTIL PLAN COMPLETION IN ADDITION TO PAYMENTS PROVIDED HEREIN. IF DEBTOR(S) NEED TO USE ANY PART OF THESE FUNDS, PROPER AUTHORIZATION WILL BE SOUGHT THE COURT FOR SUCH PURPOSE.

INSURANCE TO CHRYSLER FINANCIAL THROUGH EASTERN AMERICA INSURANCE CO. AT THE END OF SALES CONTRACT IN THE APROXIMATE AMOUNT OF \$500.00 DISBURSEMENT TO EASTERN AMERICA INSURANCE TO BEGIN AT END OF THE SALES CONTRACT ON JUNE 2014

ADEQUATE PROTECTION PAYMENT TO CHRYSLER FINANCIAL UNTIL CONFIRMATION \$50.00 TO BE PAID BY TRUSTEE MONTHLY.

VARGAS-GUERRA RENE
URB SANTA JUANITA
ED-3 CALLE PARANA APT A
BAYAMON PR 00956

ISLAND FINANCE
PO BOX 71504
SAN JUAN PR 00936

MARILYN VALDES ORTEGA LAW OFFICES
PO BOX 195596
SAN JUAN PR 00919-5596

MUEBLERIAS BERRIOS
PO BOX 674
CIDRA PR 00739-0674

AT&T
PO BOX 15067
SAN JUAN PR 00902-8567

NCO FINANCIAL SYSTEMS OF PUERTO
RICO
PO BOX 192478
HATO REY PR 00918

BANCO POPULAR DE PR
PO BOX 366818
SAN JUAN PR 00936-6818

OPERATING PARTNERS CO INC
PO BOX 194499
SAN JUAN PR 00919

BANCO SANTANDER
PO BOX 362589
SAN JUAN PR 00936-2589

ORLANDO RIVERA
VEGA ALTA PR 00969

BBVA BANCO
PO BOX 364745
SAN JUAN PR 00936-4745

SECURITY CREDIT SERVICE
GECC
2653 WEST OXFORD LOOP SUITE 108
OXFORDS MS 38655

CETENNIAL
PO BOX 71514
SAN JUAN PR 00936

CHRYSLER FINANCIAL SVCS
1120 METRO OFFICE PARK
IST ST#1
GUAYNABO PR 00968

CITIFINANCIAL
PO BOX 499
HANOVER MD 21076

FIRST PREMIER BANK
PO BOX 5147
SIOUX FALLS SD 57117-5147